

WASHINGTON TRAFFIC SAFETY COMMISSION SUMMARY OF TRAFFIC SAFETY LEGISLATION FROM THE 2005 SESSION

JUNE 14 2005

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Assistance in obtaining copies of bills, vote counts, bill analysis and related documents can be found at <http://leg.wa.gov/wsladm/billinfo1/bills.cfm>. The policy and fiscal analysis provided below by the WTSC is intended only to provide basic background information on the individual bills and is not intended to accurately reflect the entire impact the bill's language will have on state law. Anyone wishing to gain a fuller understanding of the impact of these bills must study them in their entirety, in concert with the Revised Code of Washington.

The following traffic safety related bills tracked by WTSC passed the 2005 legislature and have been signed into law by Governor Gregoire:

1. HB 1108 - An act relating to limitations for vehicles passing pedestrians or bicyclists. Effective July 24, 2005.

Policy effect: Clarifies that the safe-distance rules for vehicles passing other vehicles also apply when vehicles are passing pedestrians or bicyclists.

2. SHB 1113 – An act relating to traffic control signal preemption devices. Effective July 24, 2005.

Policy effect: Defines "signal preemption device." Makes unauthorized use of a signal preemption device a misdemeanor offense, the unauthorized selling and purchasing of such a device a gross misdemeanor. Makes it a felony offense to cause injury or death due to the unauthorized use of a signal preemption device.

3. HB 1246 – An act relating to vehicle sound system equipment. Effective July 24, 2005.

Policy effect: requires that all vehicle sound system components, including any supplemental systems or components, be securely attached to the vehicle so that the components cannot become dislodged or loose during operation of the vehicle.

Also directs WTSC to create and implement a statewide educational program regarding the safety risks of unsecured vehicle sound system components, including supplemental speaker systems or components.

Fiscal effect: Estimated cost of \$25,000 to WTSC for statewide educational campaign directed in the bill. WTSC will fund this from expected federal grant funds provided to WTSC through the National Highway Traffic Safety Administration. No state funds are required.

4. HB 1254 – An act relating to the “share the road” special license plate. Effective July 24, 2005

Policy effect: Creates a special license plate commemorating the life of Cooper Jones and deposits profit from sale of the license plate into a Share the Road account in the Department of Licensing. Grants from this account will be provided by DOL to non-profit organizations to fund programs to improve bicycle safety.

Fiscal effect: Funds remaining in the WTSC managed bicycle and pedestrian account must be appropriated to WTSC before the account is terminated.

5. SHB 1266 - An act relating to positive drug or alcohol test results of commercial motor vehicle operators. Effective July 24, 2005.

Policy effect: Clarifies terminology and reporting requirements and adds transit drivers to the law's provisions.

6. HB 1469 - An act relating to proceedings for violations of commercial motor vehicle laws, rules, and orders. Effective July 24, 2005.

Policy effect: Allows WSP to commence an adjudicative proceeding under the APA to recover unpaid penalties against trucking companies

7. SHB 1475 - An act relating to child passenger restraint. Effective July 24, 2005, except section 1, which takes effect June 1, 2007.

Policy effect: The child restraint system requirements for children traveling in motor vehicles are revised. Children less than eight years old must be restrained in child restraint systems, unless the child is four feet nine inches or taller. A child who is eight years old or older, or four feet nine inches or taller, must be properly restrained either with the motor vehicle's safety belt or an appropriately fitting child restraint system. Children under thirteen years old must be transported in rear seats where it is practical to do so.

Nationally certified child passenger safety technicians who in good faith provide inspection, adjustment, or educational services regarding child passenger restraint systems may not be held civilly liable for an act or omission related to the services, unless the act or omission constitutes gross negligence or willful or wanton misconduct. (See SSB 5085 for conflicting liability language. Which bills language will become law will be decided by the State Code Reviser.)

This bill is consistent with current child restraint best practices and with WTSC efforts to reach 100% compliance with safety restraints for all vehicle occupants.

Fiscal effect: WTSC will conduct an extensive public education campaign, just as in the case of the original booster seat law. Estimated cost for such a campaign is \$350,000. This campaign will be funded with grants from the National Highway Traffic Safety Administration. No state funds are required.

8. SHB 1478 - An act relating to securing vehicle loads on public highways. Effective July 24, 2005.

Policy effect: Creates three levels of failing to secure a load to a vehicle and criminalizes those acts that rise to the level of first and second-degree failure. Intended to reduce the incidence of debris falling from vehicles, and thereby creating hazards to the motoring public.

9. SHB 1854 - An act relating to withholding of the driving privilege. Effective July 1, 2005.

Policy effect: Establishes an administrative review procedure by the Department of Licensing when the agency is required by statute to suspend or revoke a person's driving privilege.

Requires courts to enter into a payment plan with persons unable to immediately pay their civil fines for traffic infractions.

Since Redmond v. Moore was decided last summer, law enforcement has been unable to enforce certain DWLS 3 offenses. This bill corrects the lack of due process that the Supreme Court cited, and also allows for payment plans for those unable to pay their fines right away, which should result in fewer unlicensed/uninsured motorists on the roadways.

10. HB 1872 - An act relating to ignition interlock devices. Effective July 24, 2005.

Policy effect: Criminalizes tampering with an ignition interlock device. Use of ignition interlock devices is supported by WTSC policy as a mechanism for deterring impaired driving.

11. SSB 5038 – An act relating to the duty to yield to emergency and police vehicles. Effective July 24, 2005.

Policy effect: Increases the fine or criminalizes failure to yield the right-of-way to emergency and police vehicles.

12. ESSB 5060 - An act relating to regulating the use of automated traffic safety cameras. Effective July 24, 2005.

Policy effect: Permits local governments to use traffic cameras and/or speed detection devices to detect stoplight, railroad crossing, and school zone speeding violations.

13. SSB 5085 - An act relating to child passenger restraint systems. Effective July 24, 2005.

Policy effect: Sections 1 through 6 restate the current child restraint law, leaving out the substantive improvements in ESHB 1475. Section 7 holds nationally certified child passenger safety technicians immune from suit unless gross negligence or unless the technician is acting in the employ of a retailer. This bill conflicts with the liability language in HB 1475 above. The Code Reviser will make a ruling on which language takes precedence. Regardless of the Code Reviser's ruling, the rest of HB 1475 will take effect.

14. SSB 5161 – An act relating to accident reports. Effective January 1, 2006.

Policy effect: Requires the Washington State Patrol to expand its traffic accident form to include information disclosing whether any driver involved in an accident was distracted at the time of the accident. Additionally, the Washington State Patrol must include related statistical information in its yearly and monthly reports.

Requires drivers involved in an accident resulting in injury or death to any person, or damage to property that meets the minimum threshold, to include the above information in their mandatory written accident report.

The accuracy of data collected (largely dependent on self reporting) using this method is dubious, and thus its ultimate value in measuring the traffic safety risk posed by using a hand held wireless device while driving is questionable.

15. SSB 5644 – An act relating to driver's license suspension. Effective July 24, 2005.

Policy effect: When license suspension is required due to an implied consent violation, the Department of Licensing will stay the suspension of a person's driver's license if he or she notifies the department of the intent to seek a deferred prosecution. The duration of the stay is not longer than 150 days after the date charges are filed or two years after the date of the arrest for driving under the influence of alcohol or any drug, whichever time period is shorter. WTSC impaired driver data shows that lengthening the time it takes a person to enter treatment usually is less effective than immediate access to treatment.

16. ESSB 6091 – Transportation budget for 2005 – 2007. Effective July 1, 2005.

Policy and Fiscal effect: Provides adequate state funding to WTSC. Budget proviso directs WTSC to contract with Washington state public policy institute to conduct several impaired driving related studies with the primary emphasis on evaluating the effectiveness of the deferred prosecution program. Funding dependent on the availability of adequate federal funds.

